

## ROUTING AND TRANSMIT SLIP

Date

22 DEC 1981

TO: (Name, office symbol, room number,  
building, Agency/Post)

Initials

Date

1. DOST

2. GE-56

3.

4. O/FBIS

5. 1013 Key

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

## REMARKS

- Glerum approved O/FBIS to terminate FBIS FSN personnel through 1<sup>st</sup> 3yrs
- seeking DCI delegation for beyond 3yrs.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA  
FPMR (41 CFR) 101-11.206

FROM

FRTS orig. 38-81

29 Dec 81

7 Dec 81

Approved For Release 2007/10/19 : CIA-RDP85-00024R000300170003-1

CLASSIFICATION

ORIGINATOR AND CONTROL NO.

COPY DISPOSITION IN EXECUTIVE REGISTRY

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SUBJECT

Memo: Delegation of Authorities (w/att)

INFO	ACTION	COMMENT	CONCURRENCE	PREPARE REPLY	RECOMMENDATION	RETURN	FILE
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ROUTING

DATE

INITIALS

REMARKS

1. Director/FBIS 12/29 m

2. D/FBIS 29 Dec f

3. C/AS 30 Jan

4. C/AS V

5. C/PAT 4 Jan B/ poking file.

6.

7.

8. EX. REGISTRY

FILE DISPOSITION

RETAIN IN EXECUTIVE REGISTRY

FBIS REGISTRY ROUTING SLIP

FORM 3970  
2-77

(13-40)

Approved For Release 2007/10/19 : CIA-RDP85-00024R000300170003-1

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DD/S&amp;T 5500-81

7 DEC 1981

3759

MEMORANDUM FOR: Director of Personnel

THROUGH: Deputy Director for Science and Technology

FROM:

Director, Foreign Broadcast Information Service

STAT

SUBJECT: Delegation of Authorities

REFERENCE:

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1. Paragraph 6 contains a request for your approval.

2. Reference delegates authority to terminate employment during the first two years of the three-year trial period to the Director of Personnel. In April 1978, the Director of Personnel delegated authority to the Director of FBIS to terminate the employment of FBIS Foreign Service National (FSN) employees during the first year of the three-year trial period (Attachment A).

3. The Foreign Affairs Manual (FAM), Chapter 900, Local Employees, Consular Agents and Special Categories, paragraph 973 (Attachment B), delegates authority for effecting disciplinary actions with respect to FSN employees to Chiefs of Missions. It states, in part; "Each head of an overseas establishment is responsible for initiating and effecting necessary disciplinary actions on FSN employees, that is, official reprimands, exclusions from official premises, and suspensions." Paragraph 974.1 states, in part: "The head of overseas establishments prescribe uniform rules governing all types of separation, including separation for age." Thus, all FSN disciplinary actions at overseas establishments, except for FBIS FSN employees, are handled at the mission level with no review by or appeal to Washington authority.

4.  Grievance Systems (Attachment C) specifically states in paragraph 6b (4) that FSN employees are not covered by the Agency's grievance system and that, "Their highest level of appeal will normally be the head of the Headquarters component charged with the responsibility of managing the field activity with which they are associated; e.g, the Chief of a DO area division, the Director of FBIS...."

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SUBJECT: Delegation of Authorities

5. The FSN employees of FBIS constitute a uniquely separate and distinct work force within the Agency. They are neither contract nor staff employees but fall into their own employment category which is referred to as "non-staff appointed." As foreign nationals, these FSN employees could never be considered for Agency positions where an internal type security clearance would be required. Moreover, since they are openly identified as FBIS employees, and since FBIS has been identified as a CIA component, it is extremely unlikely that any FBIS FSN could ever be considered for reassignment as a DDO asset.

6. In consideration of the foregoing paragraphs, this is to request that you take action to have the following authorities delegated to the Director, FBIS:

a. To terminate the employment of FBIS FSN personnel at any time under the following circumstances:

(1) For cause - security reasons, malfeasance, misconduct, unsatisfactory performance of duties, insubordination, theft, fraud, soliciting favors or gifts, abandonment of position.

(2) By disqualification - failure to qualify during a probationary period; is found to have made false statements on the employment application.

(3) For age in accordance with local law or custom.

(4) By reduction in force.

(5) For disability - when an employee is physically or mentally incapable of performing satisfactorily the duties of the position but is ineligible for disability retirement.

b. To initiate and effect necessary disciplinary actions on FBIS FSN employees including official reprimands, exclusion from official premises, and suspension without pay for up to 90 days at any one time.

c. To withhold periodic step increases in cases of unsatisfactory performance of duties.

7. The delegation of the above authorities would "round out" the range of personnel management authorities which have been previously delegated to D/FBIS and would result in the containment of FSN personnel

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administration and management within FBIS. Such a delegation of authorities would be entirely consistent with the thrust of paragraphs 3, 4, and 5 and would enhance the efficiency of FSN personnel administration and management within FBIS.

STAT

Attachments:  
As stated

CONCUR:

STAT

  
Deputy Director for Science and Technology

11 DEC 1981

Date

APPROVED: \*

STAT

  
Director of Personnel

21 DEC 1981

Date

\* all but termination  
beyond third year. We  
need & will seek  
DCI authority delegation  
& D/PSIS.  
JR

ADMINISTRATIVE -- INTERNAL USE ONLY

ATTACHMENT  
A

Attachment  
DD/SST# 368-78/3

10 March 1978

MEMORANDUM FOR: Director of Personnel

THROUGH : Deputy Director for Science and Technology

SUBJECT : Administrative Authorities of Director, FBIS

1. This memorandum contains in paragraph 7 a request for your approval/concurrence.

2. A memorandum from the Office of General Counsel dated 5 January advised the Director, FBIS that with the exception of wage administration, he "does not appear to have sufficient legal authority at the present time to generally proceed independently of CIA channels and procedures" with respect to the administration of FBIS alien employees.

3. The OGC memorandum recommends that steps be taken to secure for the Director, FBIS "new delegations or independent authority by regulation" in this area. In a memorandum dated 16 February 1978 from [redacted] of your STAT Office and in a subsequent meeting between OP and FBIS representatives it has been determined that authorities which may be delegated in connection with the FBIS alien employees, include:

- a. Appointment.
- b. Termination during the first year of the three year trial period.
- c. Reassignments, transfers, resignations, retirements under local country plans.
- d. Application and administration of Foreign Service Local (FSL) wage scale and severance pay plans.

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- e. Downgradings resulting from administration action, e.g., position restructuring.
- f. Approval for emergency visitation travel.\*
- g. Disciplinary actions as published in the FBIS Handbook.
- h. Promotions, PSIs and QSIs.

4. In keeping with the [redacted] memorandum, FBIS will establish policies and procedures affecting promotions, PSIs, QSIs, and disciplinary actions of alien employees for Office of Personnel review and concurrence prior to their publication and implementation. Pending the establishment and publication of such policies and procedures, FBIS will coordinate all these personnel actions on alien employees with the Office of Personnel prior to implementation.

STAT

5. It is understood that there is no requirement to delegate the authority to administer the differentials, quarters and education allowance, including educational travel, provided they are administered within the provisions of Standardized Regulations (Government Civilians, Foreign Areas). Separate Maintenance (SMA) and certain other special allowances will continue to require the approval of the Director of Personnel.

6. The establishment and administration of the FBIS Honor and Merit Awards Program will be addressed in a separate paper.

7. I request that you delegate authority to the Director, FBIS to implement in accordance with existing regulations the actions listed in paragraph 3 for FBIS alien employees, and that you concur in the procedures outlined in paragraphs 4 and 5. The delegated authorities will be exercised by the Deputy Director/FBIS only in the absence of the Director/FBIS.

8. I would appreciate your prompt consideration and action on this request.

STAT

[redacted]  
Director  
Foreign Broadcast Information Service

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SUBJECT: Administrative Authorities of Director, FBIS

Attachment:

[redacted] memo dtd 16 February 1978..

STAT

CONCUR:

[redacted]

STAT

Deputy Director for Science and Technology

18 Mar 78

Date

[redacted]

STAT

24 Mar 78  
Date

APPROVED:

[redacted]

Director of Personnel

12 April 78  
Date

STAT

Distribution:

- Orig. - D/Pers, return to D/FBIS
- 1 - D/Pers
- 1 - DD/S&T
- 1 - General Counsel
- 3 - Retained in FBIS

\*Subject to OGC review of  
requirement for U.S. citizen

[redacted] (2 Mar 78)

STAT

- 3 -

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ATTACHMENT

B

UNIFORM STATE/AID/USICA REGULATIONS

973 \*FSN\* Employee Disciplinary Actions

Each head of an overseas establishment is responsible for initiating and effecting necessary disciplinary actions on \*FSN\* employees, that is, official reprimands, exclusions from official premises, and suspensions. A \*FSN\* employee is subject to suspension without pay for any period but not to exceed 90 days at any one time for disciplinary reasons. Section 790 relating to U.S. citizen employees may also be used as a guide for \*FSN\* employees. For AID, see Handbook 30, Separations and Disciplinary Actions.

If a \*FSN\* employee is suspended as a disciplinary action, a Form DS-1032, Notification of Personnel Action, is processed stating the reason for and the period of suspension. Inclusion of the period of suspension eliminates the need for issuing a second personnel action returning the employee to duty status.

974 \*FSN\* Employee Separations

974.1 Policy

A \*FSN\* employee shall be separated from the overseas establishment for misconduct or malfeasance and may be separated under other circumstances described in section 974.2.

The head of overseas establishments prescribe uniform rules governing all types of separation of \*FSN\* employees, including separation for age (section 974.2-3). These rules should conform as closely as practicable to fair employment practices in this section and those practices prevailing locally, particularly with respect to advance notice.

A \*FSN\* employee is separated from an overseas establishment without the usual advance notice if:

- a. The head of the overseas establishment determines that the continued employment of the employee presents a security threat to the United States; or
- b. The final results of a security and suitability investigation are adverse and recommendation for separation is made by the regional security officer.

974.2 Types of Separation

974.2-1 For Cause

Separation for cause occurs when an employee is separated for security reasons, malfeasance, misconduct, unsatisfactory performance of duties, insubordination, theft, fraud, accepting or soliciting favors or gifts, etc. Abandonment of position may also become a separation for cause case if disciplinary action is involved. The heads of overseas establishments should jointly prescribe rules governing this type of separation. Before the determination is made to separate an employee for cause, it is suggested that the employee:

- a. Receive notice of shortcomings prior to separation and have an opportunity to overcome such shortcomings.
- b. Be informed of the charges, except when adverse security reasons are the cause of separation.
- c. Be permitted to appeal to some person other than the one who brings the charges.
- d. Be permitted to have a hearing at the overseas establishment in a language intelligible to the employee.

974.2-2 By Disqualification

Separation by disqualification occurs when an employee:

- a. Fails to qualify during a probationary period.
- b. Is found to have made false statements on the employment application.
- c. Fails to meet medical standards.
- d. Fails to qualify as a result of security investigations, or as a result of a review of security investigation by the regional security officer.
- e. Reaches the mandatory \*separation\* age established by the mission for the employee's category of employment (see section 974.2-3).

974.2-3 For Age

Separation for age is one category of separation by disqualification and occurs when an employee reaches the mandatory separation age established by the mission for that category of employment. Such age limit normally is established in accordance with local law or custom. If\* at time of separation an employee under CSR meets eligibility requirements for voluntary retirement, the employee may elect such retirement in lieu of separation for age (see section 675 and AID Handbook 30, Separations and Disciplinary Actions, retirement under CSR). In cases of separation for age, as with other reasons for separation, adequate advance notice should be given to the employee. \*(See also Exhibit 974.2-3 and section 974.3b.)\*

974.2-4 By Reduction in Force

Separation by reduction in force (RIF) occurs when an employee is separated involuntarily because of lack of funds, reorganization, decrease of work, or similar reason. The heads of overseas establishments should jointly establish rules and procedures governing such separation. Consideration is given to the local labor laws and practices and the employee's performance, type of appointment, and length of service. A point-score system may be developed to provide an equitable retention register after the overseas establishment has determined competitive areas relating to occupational skills and qualifications.

974.2-5 For Abandonment of Position

Separation for abandonment of position occurs when an employee quits post of duty or fails to return to duty after end of authorized leave. The overseas establishments should jointly establish a period of time to permit receipt of an explanation from the employee of such absence before taking separation action.

974.2-6 For Disappearance

Separation for disappearance occurs when an employee remains missing or has disappeared for 1 year, and it has been impossible during that time to obtain an official document as to death. The advice of the appropriate headquarters office should be sought regarding appropriate statutes of limitations, as to disposition of the employee's salary, lump-sum leave payment, or contributions to the Civil Service Retirement Fund.

974.2-7 For Military Service

Separation for military service occurs when an employee is called to active duty in the armed forces of a country other than the United States or when given leave of absence because of entering or recall to the U.S. Armed Forces. The heads of overseas establishments should jointly prescribe rules governing separation of employees entering the armed forces of another country. Good personnel practice would be to place the employee in an LWOP status, if feasible, rather than effect a

separation action. \*FSN\* employees entering or recalled to U.S. military service are entitled to the benefits as provided in sections 741.4 and 742 for U.S. citizen employees.

974.2-8 For Disability

Separation for disability occurs when an employee is physically or mentally incapable of performing satisfactorily the duties required of employee's position. This type of separation normally applies to employees who are not covered under the provisions of the Civil Service Retirement and Disability System. However, it may apply to an employee who is covered under the System, but who is ineligible for disability retirement under it.

974.2-9 By Death

In cases of separation by death, Form DS-1032, Notification of Personnel Action, should reflect the employee's separation from the Service as of the close of business on the date of death.

974.3 Preparation of Separation Action

In all cases of separation, a Form DS-1032, Notification of Personnel Action, is prepared and distributed in accordance with Exhibit 924.2c and the following supplemental instructions:

a. Under the "Remarks" section on each separation action, enter:

(1) Date on which any advance notice of separation was given the employee.

(2) Amount of leave for which any lump-sum payment is authorized.

ATTACHMENT  
2

**Page Denied**